

REMARKS

A corrected Figure 1 of the drawings is submitted herewith. The specification has been amended. Claims 19 – 21, 23, 24, and 28 have been canceled. Claims 22, 25 – 27, 29 – 32, 34, and 35 have been amended. A new independent claim 37 and new dependent claims 38 and 39 ultimately depending from new independent claim 37 have been added. Claims 22, 25 – 27, and 29 – 39 are currently pending in the present application.

In the Office Action, the drawings are objected to. Additionally, in the Office Action, claims 28 and 35 are objected. Furthermore, in the Office Action, claims 27 and 34 are rejected under 35 U.S.C. §112(b), second paragraph. Moreover, in the Office Action, claims 19, and 28-29 are rejected under 35 U.S.C. §102(b) as being anticipated by Hesse DE 196 22 882. In the Office Action, claims 20-25, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882 in view of Caps et al DE 196 47 567. In the Office Action, claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882 in view of Bovenkerk US Patent No. 3,167,159. In the Office Action, claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882 in view of Caps et al DE 196 47 567 in further view of Bovenkerk US Patent No. 3,167,159. In the Office Action, claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882. In the Office Action, claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882 in view of Lampman et al US 4,746,177. In the Office Action, claims 32-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882 in view of Iwakura JP2002-336180. In the Office Action, claim 35 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882, in view of Iwakura JP2002-336180, in further view of Caps et al DE 196 47 567. In the

Office Action, claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse DE 196 22 882, in view of Iwakura JP2002-336180, in further view of Milocco US Patent No. 5,273,061.

With respect to the objection to the drawings, a corrected Figure 1 has been submitted herewith and the specification has been amended in support of the correction of Figure 1.

With respect to the objection to claims 28 and 35, claim 28 has been canceled and claim 35 has been amended to overcome the informalities.

With respect to the rejection of claims 27 and 34 under 35 U.S.C. §112(b), second paragraph, these claims have been amended to overcome the indefiniteness grounds.

With respect to the rejection of 28 – 35 over the prior art of record, favorable reconsideration is respectfully requested in view of the cancellation of claims 19 – 21, 23, 24, and 28, the amendment of claims 22, 25 – 27, and 29 – 31 to now ultimately depend from new independent claim 37, the amendments of claims 32, 34, and 35, and the following comments.

The present invention is directed to a dishwasher and a method of operating a dishwasher. As representatively set forth in new claim 37, the present invention provides a dishwasher including a washing container and a variable heat damping layer. The washing container has a plurality of walls forming a volume in which items to be washed are retained. The variable heat damping layer at least partially surrounds the washing container and has a variable thermal conductivity in that the heat damping layer can be adjusted between at least a first thermal conductivity value at which thermal conductivity

through the heat damping proceeds at a first rate and a second thermal conductivity value at which thermal conductivity through the heat damping proceeds at a second rate different than the first rate. Moreover, as set forth in new independent claim 37, the heat damping layer has a closed capsule containing hydrogen in which at least one metal hydride grid is arranged, which can form a chemical compound with the hydrogen and thus bind the hydrogen, and the capsule of the variable heat damping layer has a selected one of a pressed glass and a non-pressed glass fibre core that is surrounded by a gastight jacket made of a selected one of a stainless steel sheet and a non-stainless steel sheet. According to new independent claim 37, the heat damping layer is configured such that heating of the capsule of the variable heat damping layer has the effect that the hydrogen previously bound in the metal hydride grid is released, the pressure in the capsule of the variable heat damping layer increases, and the thermal conductivity of at least one of the capsule and the entire heat damping layer is increased and the heat damping layer is configured such that cooling of the capsule of the variable heat damping layer has the effect that the free hydrogen is resorbed with the metal hydride grid in a chemical compound, the pressure in the capsule of the variable heat damping layer drops, and the thermal conductivity of at least one of the capsule and the entire heat damping layer is decreased. The variable heat damping layer is in heat-conducting contact with one of walls of the washing container and with an outer wall of the dishwasher.

It is submitted that Hesse DE 196 22 882 does not teach or disclose the inventive dishwasher of the present invention. Hesse DE 196 22 882 discloses that a fluid 9 is stored in an intermediate reservoir 7 in order to change the heat conductivity between a wall 2 of the washing container 1 and an outside or external latent heat accumulator 5 for a heat drying cycle of the dishwasher. Thus, during washing cycles of the dishwasher, there is no vapor inside the

intermediate reservoir 3 that is in heat conducting contact with the wall 2 of the dishwasher 1. The fluid 9 is stored in the intermediate reservoir 7 and not stored inside the intermediate reservoir 3, when the heater 13 is switched off. Thus, Hesse DE 196 22 882 discloses that the respective component (the intermediate reservoir 7) that receives and releases the heating medium (the vapor) is located at a spacing from the respective layer that overlies a wall of a dishwasher.

It is also submitted that the secondary references do not overcome the deficiencies of Hesse DE 196 22 882. For example, Bovenkerk US Patent No. 3,167,159 only discloses in a very general manner an insulating filler material and does not suggest an application for dishwashers. As well, Caps is only directed to heat damping layer materials for buildings. Lampman et al US 4,746,177 merely generally discloses a tub assembly for a dishwasher. Iwakura JP2002-336180 is merely directed to an operating program for a dishwasher and provides no suggestion of a variable heat arrangement for influencing the condensation capabilities of a wall of a dishwasher. Milocco US Patent No. 5,273,061 is directed only to a conventional drying system working by condensation and provides no suggestion of a variable heat arrangement for influencing the condensation capabilities of a wall of a dishwasher.

For these and other reasons, it is submitted that none of Hesse DE 196 22 882 or any of the secondary references, either alone or in combination with each other or with Hesse DE 196 22 882, teach or suggest the subject matter defined by independent claim 37. Claims 38 and 39 depend ultimately from claim 37 and are submitted to be allowable for at least the same reasons as discussed above and also because these claims recite additional patentable subject matter. Additionally, it is submitted that independent method claim 32 and claims 33 – 36 depending ultimately therefrom patentably define over the prior art of record as well.

ATTORNEY DOCKET NO.: 2003P01299WOUS

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 22, 25 – 27, and 29 – 39 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Russell W. Warnock
Registration No. 32,860
September 22, 2008

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
russ.warnock@bshg.com